

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
)	
Plaintiff)	CIVIL ACTION NO.
)	23-CV-14021
v.)	
)	Judge Sunil R Harjani
UNITED PARCEL SERVICE,)	Magistrate Judge Gabriel A
)	Fuentes
)	
Defendant.)	
)	
=====)	
KURT BERNABEI,)	
)	
Plaintiff-Intervenor.)	
)	
_____)	

JOINT STATUS REPORT

As directed in Dkt. 58 by the Court, the parties provide the following report on discovery and settlement efforts:

The parties have exchanged several rounds of written discovery relevant to the Plaintiffs’ claims regarding UPS’s 2019 policy that it did not accept the Federal Motor Carrier Safety Administration hearing exemption for Department of Transportation (“DOT”) regulated positions and to the 11 “Phase 1” Aggrieved Individuals (including Plaintiff-Intervenor Kurt Bernabei). The parties continue to confer regarding written discovery and to provide supplemental responses. The parties have scheduled approximately 25 fact witness depositions relevant to Phase 1 Aggrieved Individuals and UPS corporate policy and expect to complete these depositions by May 31, 2025. The parties have also started the meet and confer process for conducting a 30(b)(6) deposition of UPS on a variety of topics as noticed by the EEOC.

After Phase 1 of discovery, the parties intend to revisit settlement discussions with retired Magistrate Judge Morton Denlow, who has indicated he will speak with the parties via phone to attempt to resolve the case. The parties have also reached out to Judge Denlow's office regarding his availability in June and July 2025, in case it becomes evident that a more formal mediation session is needed.

If these renewed settlement discussions are unsuccessful, the parties expect to be able to meet the deadlines previously proposed in their November 1, 2024 status report for the completion of fact discovery (including discovery regarding the remaining 22 Aggrieved Individuals), expert discovery, and dispositive motions (ECF No. 55).

Dated: April 24, 2025

Respectfully submitted,

FOR PLAINTIFF EEOC:

s/ Laurie S. Elkin

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